

Message Text

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TAGS: EAIR

SUBJECT: STATE DEPARTMENT SUBMISSIONS ON THE FAA'S ENVIRONMENTAL IMPACT STATEMENT (EIS) AND THE ENVIRONMENTAL PROTECTION AGENCY'S (EPA) NPRM ON SUPERSONIC AIRCRAFT NOISE.

THE FOLLOWING SUBMISSIONS WERE SENT BY THE DEPARTMENT TO THE FAA ON JUNE 13 IN CONNECTION WITH:

1. THE DRAFT NOTICE OF PROPOSED RULE-MAKING PREPARED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) FOR THE FAA IN CONNECTION WITH ESTABLISHING A NOISE STANDARD FOR SUPERSONIC AIRCRAFT.
2. THE FAA'S ENVIRONMENTAL IMPACT STATEMENT (EIS) REQUIRED UNCLASSIFIED

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IN CONNECTION WITH MODIFYING THE OPERATING SPECIFICATIONS OF BRITISH AIRWAYS AND AIR FRANCE TO ALLOW CONCORDE FLIGHTS TO THE US.

BOTH STATEMENTS WILL BE AVAILABLE TO THE PUBLIC.

1. SUBMISSION ON NPRM:

THE APPLICATIONS OF BRITISH AIRWAYS AND AIR FRANCE TO OPERATE THE CONCORDE TO THE US POSE DELICATE FOREIGN RELATIONS QUESTIONS OF IMPORTANCE TO THIS COUNTRY. CONCORDE IS THE PRODUCT OF 13 YEARS AND OF NEARLY 3 BILLION DOLLARS SPENT IN JOINT COOPERATION BETWEEN THE BRITISH AND FRENCH. IT WAS DESIGNED WITH SERVICE TO THE US AS A PRIMARY OBJECTIVE AND AT THE TIME ITS DESIGN BECAME FINAL, IT MET FORESEEABLE US AND INTERNATIONAL ENVIRONMENTAL STANDARDS. THE PROJECT IS FOLLOWED CLOSELY AT THE HIGHEST LEVELS IN LONDON AND PARIS, AND THE DENIAL OF ADMISSION OF THE CONCORDE, HOWEVER STRONG THE GROUNDS, WILL BE A SEVERE BLOW TO THE AEROSPACE INDUSTRIES IN THOSE COUNTRIES. MORE IMPORTANT, IF THE CONCORDE WERE TO BE TURNED DOWN ON GROUNDS WHICH WERE VIEWED BY THE BRITISH AND FRENCH AS ARBITRARY OR DISCRIMINATORY, THESE COUNTRIES WILL REGARD SUCH A STEP NOT AS A TECHNICAL AVIATION DECISION BUT AS A DELIBERATE ATTEMPT TO KEEP OUT A EUROPEAN PRODUCT. THE EFFECT WOULD BE TO STRENGTHEN PROTECTIONIST ELEMENTS IN FRANCE AND THE UK WITH CONSEQUENT ADVERSE EFFECTS ON OUR TRADE AND OTHER RELATIONS WITH THEM. THESE COUNTRIES ARE MAJOR PURCHASERS OF US AEROSPACE PRODUCTS.

IN ADDITION, OUR ACTIONS TOWARD THE CONCORDE HAVE OTHER IMPLICATIONS FOR INTERNATIONAL AVIATION. THE US PRODUCES OVER 80 OF THE WORLD'S TRANSPORT AND GENERAL AVIATION AIRCRAFT OUTSIDE OF THE SOVIET UNION. AN IMPORTANT FACTOR FACILITATING THE SALE OF US AIRCRAFT ABROAD AND THE OPERATION OF INTERNATIONAL AIRLINE SERVICES HAS BEEN THE ESTABLISHMENT BY THE INTERNATIONAL CIVIL AVIATION ORGANIZATION OF SAFETY AND OTHER INTERNATIONAL STANDARDS WHICH ALLOW AIRCRAFT TO BE SOLD AND OPERATED FREELY IN ANY OF THE 140 ICAO MEMBER COUNTRIES. WE BELIEVE THAT IT IS IMPORTANT TO US INTERESTS TO PRESERVE AND, IF POSSIBLE, EXTEND THE UNCLASSIFIED

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EXISTING SYSTEM OF INTERNATIONAL STANDARDS. IT WOULD BE HARMFUL TO US INTERESTS IF A PLETHORA OF DIFFERENT AIRCRAFT NOISE STANDARDS WERE DEVELOPED BY INDIVIDUAL COUNTRIES. THE US HAS LED THE WAY IN ICAO TO DEVELOP NOISE STANDARDS FOR SUBSONIC AIRCRAFT AND IN RESPECT TO SONIC BOOM. WE HOPE TO DO THE SAME FOR SST'S AND FOR OTHER ENVIRONMENTAL AIRCRAFT STANDARDS. IF EXISTING INTERNATIONAL STANDARDS DO NOT SUFFICIENTLY PROTECT OUR ENVIRONMENT, PARTICULARLY AS APPLIED TO CERTAIN LOCALITIES, IT IS OUR VIEW THAT, WHILE THE US IS NOT PREVENTED BY ANY INTERNATIONAL OBLIGATION FROM ADOPTING NECESSARY REGULATION, THIS SHOULD BE DONE IN A WAY WHICH WILL PRESERVE THE FABRIC OF THE INTERNATIONAL AVIATION STRUCTURE.

WITH REGARD TO THE SPECIFIC OPTIONS POSED BY EPA, WE AGREE THAT A REGULATION SHOULD BE ADOPTED WHICH REPRESENTS A COMPROMISE BETWEEN THE EXTREMES OF NO REGULATION OR A TOTAL BAN AND WE ALSO THINK THAT OPTION 3 HAS MERIT. UNTIL A MORE SPECIFIC PROPOSAL IS TABLED, IT IS NOT POSSIBLE FOR US TO ASSESS THE REASONABLENESS OF ANY PROPOSED LIMITATIONS ON AIRPORTS OR CONDITIONS GOVERNING FLIGHTS OF SST'S. WE WOULD URGE THAT CONDITIONS APPLIED TO CONCORDE OPERATIONS BE LIMITED TO THOSE NECESSARY TO PREVENT SIGNIFICANT DEGRADATION OF THE US ENVIRONMENT. IN THIS CONTEXT, CONSIDERATION SHOULD BE GIVEN TO THE NUMBER OF AIRCRAFT NOW OPERATING INTO US AIRPORTS WHICH HAVE NOISE LEVELS APPROXIMATING THAT OF CONCORDE AND TO THE FACT THAT AIRCRAFT EXCEEDING PART 36 STANDARDS COULD BE MANUFACTURED AND REGISTERED IN THE US AS LATE AS DECEMBER 31, 1974.

WE WOULD HOPE THAT FAA WOULD INDICATE ITS THOUGHTS ON A GENERAL SST NOISE RULE IN THE NEAR FUTURE. IF THERE IS A DELAY, WE WOULD CONSIDER IT NECESSARY THAT THE FAA, IF IT AMENDS THE OPERATIONS SPECIFICATIONS OF BA AND AF, NOTIFY THE CARRIERS THAT THIS ACTION DOES NOT CONSTITUTE AN ENTITLEMENT TO OPERATE ANY PARTICULAR FLIGHTS BEYOND THE DATE OF ISSUANCE OF THE GENERAL RULE.

ASSUMING THAT THERE WILL BE A GENERAL SST NOISE RULE, WE SEE NO PURPOSE IN ATTEMPTING TO CONTROL NOISE BY DRAWING A DISTINCTION BETWEEN EARLIER AND LATER SST'S PRODUCED.
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THE NOISE PROBLEM IS PATENTLY RELATED TO THE NUMBER OF FLIGHTS AND LOCATIONS, NOT TO THE NUMBER OF AIRCRAFT USED.

2. SUBMISSION ON EIS:

MR. CHARLES R. FOSTER
DIRECTOR
OFFICE OF ENVIRONMENTAL QUALITY
FEDERAL AVIATION ADMINISTRATION
800 INDEPENDENCE AVENUE, S.W.
WASHINGTON, D.C. 20591

DEAR MR. FOSTER:

THIS IS IN RESPONSE TO YOUR COMMUNICATION REQUESTING THE DEPARTMENT OF STATE'S COMMENTS ON THE FAA'S DRAFT ENVIRONMENTAL IMPACT STATEMENT (EIS) ON THE CONCORDE SUPERSONIC TRANSPORT AIRCRAFT. THE FOLLOWING COMMENTS ADDRESS ONLY THE ISSUE OF THE ADEQUACY OF THE ENVIRONMENTAL IMPACT STATEMENT, NOT THE BROADER ISSUE AS TO WHETHER, ON BALANCE, THE OPERATIONS SPECIFICATIONS OF BRITISH AIRWAYS AND AIR

FRANCE SHOULD BE AMENDED.

THIS DRAFT PROVIDES BACKGROUND AND ENVIRONMENTAL ANALYSIS ON A NUMBER OF INTERRELATED FAA ACTIONS. WHILE WE ARE NOT IN A POSITION TO ASSESS SOME OF THE MORE TECHNICAL PORTIONS OF THE DOCUMENT, WE DO HAVE A NUMBER OF COMMENTS ON THE DRAFT.

SECTIONS I AND II

THE DRAFT EIS LEAVES CONSIDERABLE UNCERTAINTY AS TO THE NATURE AND EXTENT OF THE PROPOSED FEDERAL ACTIONS WHICH ARE SUBJECT TO THE STATEMENT. WE THEREFORE SUGGEST THAT SECTIONS I AND II BE REVISED TO MAKE CLEAR THE PARTICULAR ACTIONS BEING CONSIDERED. AS IT NOW STANDS, THE STATEMENT APPARENTLY IS INTENDED TO ADDRESS THE FOLLOWING INTERRELATED ACTIONS:

1. FAA CONSIDERATION OF THE TWO AIRLINES' APPLICATIONS
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FOR AMENDMENT OF THEIR OPERATIONS SPECIFICATIONS.

2. FAA CONSIDERATION OF THE MANUFACTURERS' APPLICATION FOR A US TYPE CERTIFICATE.

3. FAA'S ACTIONS AS OWNER-OPERATOR OF DULLES INTERNATIONAL AIRPORT.

THE STATEMENT IS NOT INTENDED, AS WE UNDERSTAND IT, TO CONSIDER POSSIBLE FAA REGULATORY ACTION CONCERNING NOISE REGULATIONS FOR SUPERSONIC CIVIL TRANSPORTS.

ALTHOUGH THESE THREE ACTIONS ARE DESCRIBED IN SECTION II AND ELSEWHERE IN GENERAL TERMS, WE BELIEVE THAT THE STATEMENT WOULD BE SIGNIFICANTLY IMPROVED BY MORE CLEARLY IDENTIFYING AND ANALYZING THE ENVIRONMENTAL IMPACTS AND ALTERNATIVES ASSOCIATED WITH EACH ONE OF THEM. THE POINT IS DISCUSSED IN MORE DETAIL FURTHER ON.

SECTION III

IN THE DRAFT'S CONSIDERATION OF THE ENVIRONMENTAL EFFECTS OF US TYPE CERTIFICATION (WHICH WE TAKE TO BE THE PURPOSE OF THE ANALYSIS INCLUDED AT PAGES 23-28), IT WOULD BE DESIRABLE TO EXPLAIN THE CONCLUSIONS MADE CONCERNING THE POTENTIAL SIZE OF THE TOTAL CONCORDE FLEET MORE FULLY IN TERMS OF THE DATA GIVEN, ALTHOUGH WE APPRECIATE THE DIFFICULTY IN MAKING ESTIMATES OF THIS CHARACTER.

WE WOULD ALSO SUGGEST THAT WHEN ICAO ACTIVITIES ARE DESCRIBED IN PAGES 13, 14, AND 43, THE SPECIFIC ACTION TAKEN

TO DATE AND THE FACT THAT THERE ARE NO INTERNATIONAL STANDARDS APPLICABLE TO SUPERSONIC AIRCRAFT SHOULD BE CLARIFIED.

SECTION IV

ALTERNATIVE I IS TO REFUSE THE AIRLINES' APPLICATION FOR AMENDED OPERATIONS SPECIFICATIONS. THIS ALTERNATIVE SHOULD BE CLARIFIED TO DISTINGUISH BETWEEN NON-COMMERCIAL CONCORDE FLIGHTS, AND THE US OBLIGATION TO RECOGNIZE OTHER UNCLASSIFIED

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ICAO PARTIES' CERTIFICATES OF AIRWORTHINESS AND AIRCREW LICENSES, AND THE ACTION IN QUESTION, I.E., APPROVAL OF AMENDED OPERATIONS SPECIFICATIONS.

SECTIONS IV-VII

AS NOTED EARLIER, THE DRAFT EIS RECOGNIZES THAT THERE ARE INTERRELATED, UNRESOLVED ISSUES IN RELATION TO SUPERSONIC OPERATIONS TO THE UNITED STATES. REFLECTING THIS, THE DRAFT STATES (PAGE 7) THAT, IN ADDITION TO ASSESSING THE BRITISH AIRWAYS AND AIR FRANCE APPLICATIONS, IT "WILL ALSO CONSIDER THE POSSIBILITY OF TYPE CERTIFICATION OF CONCORDE BY THE FAA AND OPERATION OF THE CONCORDE BY US AND OTHER FOREIGN AIRLINES."

THE STATEMENT DEVELOPS DATA ON POSSIBLE SST OPERATIONS AT A LEVEL HIGHER THAN THE FOUR FLIGHTS A DAY TO JFK AND TWO FLIGHTS A DAY TO DULLES PROPOSED BY THE BRITISH AND FRENCH AIRLINES, AND IN SECTION V.B. IT PRESENTS SOME ANALYSIS OF "UNCONSTRAINED OPERATIONS OF CONCORDE TO AND FROM THE UNITED STATES." NONETHELESS, NO CONCLUSIONS ARE DRAWN FROM THIS ANALYSIS AND NO ALTERNATIVE CONSIDERED TO SUCH A "WORST CASE." IN VIEW OF THE RECOGNITION THAT AMENDING BRITISH AIRWAYS' AND AIR FRANCE'S OPERATIONS SPECIFICATIONS "IS AN INITIAL STEP IN A CHAIN OF POSSIBLE FUTURE FEDERAL ACTIONS," IT WOULD SEEM APPROPRIATE TO PURSUE THE ANALYSIS TO A CONCLUSION.

THIS IS PARTICULARLY THE CASE IN VIEW OF THE FACT THAT OTHERS WILL PROBABLY DRAW A PRECEDENTIAL CONNECTION BETWEEN THE ACTION ON THE BRITISH AIRWAYS AND AIR FRANCE APPLICATIONS AND SUBSEQUENT INTERRELATED FEDERAL ACTIONS INVOLVING FOREIGN AIRLINES AND/OR AIRCRAFT MANUFACTURERS. WHILE IT MAY BE THE CLEAR INTENTION OF THE FAA TO CONSIDER ALL OF THESE ISSUES ON THEIR SEPARATE MERITS, IT WILL BE DIFFICULT TO HANDLE THE ARGUMENT THAT REFUSAL TO GRANT SIMILAR

PERMITS TO OTHER CARRIERS WOULD CONSTITUTE DISCRIMINATION. IN ORDER TO ENHANCE THE EFFECTIVENESS OF THE EIS IN REGARD TO THIS POINT, A STATEMENT ALONG THE FOLLOWING LINES

MIGHT BE ADDED AT AN APPROPRIATE POINT (E.G., BETWEEN THE
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EXISTING SECOND AND THIRD PARAGRAPHS ON PAGE 74):

"IT IS RECOGNIZED THAT A FAVORABLE DECISION ON THE BRITISH
AIRWAYS AND AIR FRANCE APPLICATIONS COULD BE CLAIMED TO
HAVE PRECEDENTIAL SIGNIFICANCE AND/OR GENERATE FUTURE
PRESSURES DURING THE COURSE OF THE DECISION-MAKING PROCESS
ON GENERAL REGULATIONS OR ON FUTURE APPLICATIONS BY THESE
SAME OR OTHER AIRLINES OR MANUFACTURERS OF SST AIRCRAFT.
(FOR THIS REASON, AMONG OTHERS, WE HAVE ANALYZED THE
ENVIRONMENTAL CONSEQUENCES OF UNCONSTRAINED CONCORDE OPERA-
TIONS.) HOW SUCH IMPLICATIONS OR FOREIGN RELATIONS CON-
SIDERATIONS MIGHT OR MIGHT NOT INFLUENCE FINAL DECISIONS
ON SUCH ACTIONS CANNOT BE ANTICIPATED AT THIS POINT."

WE THANK YOU FOR THIS OPPORTUNITY TO COMMENT ON THE DRAFT
EIS, AND HOPE THAT THESE COMMENTS WILL BE OF USE TO YOU IN
PREPARING THE FINAL EIS.

SINCERELY,

LINDSEY GRANT
DIRECTOR
OFFICE OF ENVIRONMENTAL AFFAIRS
BUREAU OF OCEANS AND INTERNATIONAL
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS KISSINGER

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<< END OF DOCUMENT >>

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